

REMARKS

Claims 1-25 are currently pending in the application and subject to examination. Claims 1, 2, 9, 24 and 25 have been amended. No new matter has been added. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claim Rejections

Claims 1-5, 7, 9-17, 19, and 21-25 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0135863 to Van Der Schaar ("Van"). Under 35 U.S.C. § 103(a), claims 6, 8, 18, and 20 are rejected as being unpatentable over Van in view of U.S. Patent Application Publication No. 2003/0123393 to Feuerstraeter et al. ("Feu"). To the extent the rejections remain applicable to the claims as amended, the Applicants hereby traverse the rejections as follows.

Applicants respectfully submit Van and Feu, alone or in combination, do not teach or suggest, a method of offering preferred transport in a network, the method including at least the following combination of features: receiving a first part of a content transmission in the network; receiving an indication of predetermined transport parameters in the network, the indication being associated with the received first part of the content transmission; receiving a second part of the content transmission in the network; and transmitting the second part of the content transmission in the network in accordance with the transport parameters, as recited in amended claim 1.

Van, in paragraphs [0019], [0025] and [0027], discloses a system with a plurality of data streams that may be "representations of the same content" where a sever "decides which data stream (representation of the content) to multicast to a set of

receivers based on their capabilities or the available "average" bit-rate of the link connecting the recipient to the server." Further, Van discloses an algorithm to look at the "various scalable streams, and decide which one to stream." Thus, Van does not show transmitting content based on predetermined transport parameters associated with the content of the transmission, as recited in claim 1.

Fue fails to cure the deficiency in Van.

For at least the above reasons, Applicants submit that claim 1 is allowable over the cited references. Applicants submit that claims 2 and 25 are also allowable for the similar language recited therein.

As claims 1, 2 and 25 are allowable, claims 3-24, which depend from claims 1 and 2, respectively, are likewise allowable over the cited references, as well as for the additional features recited therein.

CONCLUSION

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1-25 and the prompt issuance of a Notice of Allowance are respectfully solicited.

Should the Examiner believe that anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 with reference to Attorney Docket No. 026215-00001.

Respectfully submitted,
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